Appln. No. 09/652,166
Amdt. dated December 20, 2004
Reply to Office Action Mailed October 20, 2004

<u>REMARKS</u>

In the Office Action dated October 20, 2004, claims 1-4 and 13 were rejected under 35 U.S.C. § 102 over U.S. No. 6,091,808 (Wood); claims 22, 24, 26, 27, 29-31, 33, 34, and 38 were rejected under § 102 over U.S. Patent No. 6,628,644 (Nelson)[1]; claims 1-3, 13, and 33 were rejected under § 103 over Nelson in view of Wood; claims 4, 6, and 19 were rejected under § 103 over Nelson in view of U.S. Patent No. 6,310,873 (Rainis); claim 5 was rejected under § 103 over Nelson in view of Rainis and U.S. Patent No. 6,134,319 (Burg); claims 14, 20, 21, 35-37, 39, 41, and 42 were rejected under § 103 over Nelson in view of Wood (if applicable) or Rainis (if applicable) and U.S. Patent No. 6,553,515 (Gross); claims 15-17 were rejected under § 103 over Nelson in view of Gross and Burg; claims 8-12, 23, 25, 28, and 40 were rejected under § 103 over Nelson in view of U.S. Patent No. 6,453,034 (Donovan); and claim 32 was rejected under § 103 over Nelson and U.S. Patent No. 6,360,254 (Linden).

Applicant acknowledges the indication that claim 18 is allowed.

Claims 1 and 24 have been cancelled, without prejudice, to render the rejection of the claims moot.

Claim 33, which previously depended from claim 1, has been amended from dependent form to independent form, with the scope of claim 33 remaining *unchanged*. Although page 11 of the Office Action indicated that claim 33 was rejected as being obvious over Nelson and Wood, no explanation was provided regarding how the teachings of Nelson and Wood render claim 33 obvious. The obviousness rejection of claim 33 is therefore *defective*, and a *prima facie* case of obviousness has not been established with respect to claim 33 over Nelson and Wood.

In Fig. 1 of Nelson, neither the IP phone 22a nor the computer 24 performs the acts recited to be performed by the terminal of claim 33. The IP phone 22a of Nelson does not display a hyperlink, receive an indication of user selection of the hyperlink, and

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[1] It is noted that the rejection of claim 33 (which depends from claim 1) as being anticipated by Nelson appears to be a mistake, since claim 1 was rejected as being anticipated by Wood or obvious over Nelson and Wood. Therefore, this Reply will address the obviousness rejection of claim 33 over Nelson and Wood only, not the anticipation rejection of claim 33 over Nelson.

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generate a call request for establishing a call session over a packet-based network based on the indication of user selection of the hyperlink. The computer 24 is able to display the browser 100 of Fig. 3 of Nelson—however, the computer 24 of Nelson does not communicate voice data over an Internet Protocol (IP) network.

Wood does not disclose communicating voice data over an IP network. The telephone switch 16 depicted in Figure 1 of Wood is a "central office (C.O.) forming part of the public switched telephone network (PSTN), or a PBX or telephone key system which is coupled to the PSTN in a known matter." Wood, 3:28-32. A telephone 10 is connected by either a twisted wire pair (path 14) or another circuit-switched link such as ISDN. Wood, 3:33-44. There is absolutely *no* teaching that the telephone switch 16 is capable of establishing a call session over a packet-based network. In fact, the opposite is taught by Wood, in which the telephone switch 16 is a PSTN central office or a PBX or a telephone key system coupled to the PSTN. In other words, the telephone switch 16 communicates voice data over a circuit-switched network (PSTN), *not* over an IP network as recited in claim 33.

Therefore, even if Nelson and Wood can be properly combined, the hypothetical combination of Nelson and Wood does not teach or suggest all elements of claim 33, namely the element of a terminal that can communicate voice data over an IP network, which terminal also performs the other tasks of claim 33. For this additional reason, a *prima facie* case of obviousness has not been established over Nelson and Wood.

Independent claim 22 was rejected as being anticipated by Nelson. Claim 22 recites a device that includes a display, a hyperlink presentable in the display, and a controller to generate a call request in response to selection of the hyperlink, where the call request is for establishing a call session over the data network. Claim 22 further recites that the hyperlink is associated with a uniform resource locator (URL) containing a logical identifier of a callee, the logical identifier contained in the call request.

In Nelson, there are three different entities involved in performing the various acts described in Nelson. A web browser is provided in a network device (such as computer 24 or 28). *See* Nelson, Figure 1. The computer 24 running the web browser is able to access an IP phone 22a (which includes a web server) to retrieve a web page containing a

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functional interface illustrated in Fig. 3 of Nelson. Thus, the computer 24 on which the web browser is located and the IP phone 22a are separate devices.

In response to user selection of buttons in the functional interface of Figure 3, the web browser sends data indicating the user's selection to the IP phone 22a. Nelson, 7:66-8:3. In turn, the IP phone 22a relays a signal to a call manager 26 to indicate a function to be performed. Nelson, 8:4-9. Once call manager 26 receives the signal, the call manager executes the desired functionality, including placing a call to another phone. Nelson, 8:12-18.

The computer 24 running the web browser of Nelson cannot be considered the device of claim 22. In Nelson, in response to user selection of elements of the web browser presented by a network device, the web browser sends data indicating the user's selection to the IP phone 22a. Nelson, 7:66-8:3. The user can dial individual keys of a keypad 102 or the user may push a speed dial button 104 in the functional interface 100. Nelson, 7:38-41. Thus, what is sent from the web browser to the IP phone 22a are individual pieces of data to indicate what was pressed by the user, either a single number corresponding to a keypad press, or a speed dial button. Interaction between the computer 24 and the IP phone 22a is accomplished with HTTP messages so that actuation of buttons, such as keypad buttons and speed dial buttons, can be communicated from the web browser to the IP phone 22a. Nelson, 8:16-47. There is no indication in Nelson that the HTTP message carrying the indication of activation of a speed dial button would carry *a logical identifier of a callee*. Although the HTTP message carries the URL that represents the speed dial button, there is no indication that this URL contains the logical identifier of the callee. The URLs associated with hyperlinks in the web page of the web browser in Nelson identify buttons—not logical identifiers of callees. Therefore, even if the HTTP message from the web browser to the IP phone 22a can be considered a call request, such HTTP message does not contain a logical identifier of a callee, as recited in claim 22.

Additionally, an HTTP messages between the web browser and the IP phone 22a *cannot* be considered a call request for establishing a call session over a data network. Nelson further describes that the IP phone 22a must then relay the data received from the

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web browser to a call manager, with the call manager performing the generation and transmission of a call request. Nelson, 8:4-18. Thus, the computer 24 on which the web browser runs cannot be considered the device recited in claim 22, because such computer 24 cannot generate a call request for establishing a call session over the data network.

The IP phone 22a of Nelson also cannot be considered the device of claim 22, since the IP phone 22a does not have a display in which a hyperlink is presentable. Also, the IP phone 22a does not have a controller to generate a call request for establishing a call session over a data network. The call manager 26 of Nelson also cannot be considered the device of claim 22, since the call manager 26 does not have a display or a hyperlink presentable in the display and selectable by a user. Therefore, it is respectfully submitted that claim 22 is not anticipated by Nelson.

Independent claim 29 is allowable over Nelson for similar reasons as for claim 22.

Independent claim 30 is also not disclosed by Nelson, since Nelson does not disclose a device that includes the display and the routine recited in claim 30. The computer 24 running the web browser in Nelson does not contain a routine that presents a hyperlink and that generates a *call request* to establish a call session over a packet-data network in response to selection of the hyperlink. The HTTP message transmitted from the web browser to the IP phone 22a in Nelson to indicate activation of a button in the web page cannot be considered a call request to establish a call session over a packet data network.

The IP phone 22a of Nelson does not include a display in which a hyperlink can be presented, nor does the IP phone 22a generate a call request to establish a call session over the packet-based network. The call manager 26 of Nelson does not contain the display or a routine to present a hyperlink on the display. Therefore, it is respectfully submitted that claim 30 is not anticipated by Nelson.

Independent claim 6 was rejected as being obvious over Nelson and Rainis. To establish a *prima facie* case of obviousness, one of the requirements is that the references when combined must teach or suggest *all* elements of the claim. *See* MPEP § 2143 (8th ed., Rev. 2), at 2100-129. Here, that requirement clearly has not been satisfied by the hypothetical combination of Nelson and Rainis. As conceded by the Office Action,

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Nelson fails to disclose both the accessing and providing acts of claim 6. Reliance was made on Rainis as teaching the missing elements.

Claim 6 recites accessing rules information to determine further information to add to the logical identifier, and providing charge information for a toll call appended to the logical identifier based on accessing the rules information. In contrast, Rainis describes a user selecting an available payment mechanism, such as a basic payment model (in which a user can choose between prepayment using either electronic cash or credit cards), or a secure payment model (in which the user may choose between tokens representing either digital cash or credit card). Thus, the charge information generated in Rainis is based on *user selection*, not accessing rules information as recited in claim 6.

Also, contrary to the assertion in the Office Action, there is no device in Nelson that performs all of the displaying, receiving, generating, and associating acts of claim 6, as explained above with respect to claims 22 and 30.

Because the hypothetical combination of Nelson and Rainis fails to disclose or suggest all elements of claim 6, a *prima facie* case of obviousness has not been established.

Independent claim 19 was also rejected over the asserted combination of Nelson and Rainis. It is respectfully submitted that a *prima facie* case of obviousness has also not been established with respect to claim 19. As conceded by the Office Action, Nelson fails to disclose a controller to access call rules to determine how a call request is to be generated, and to add charge information to a call request based on the call rules. It is also respectfully submitted that Rainis also fails to disclose the recited subject matter. Rainis discusses client software providing a telephony server with payment information for a phone call. Rainis, 6:38-59. However, nowhere within Rainis is there any indication that charge information is *added to a call request* based on call rules.

Moreover, as explained above with respect to claims 22 and 30, there is no device in Nelson that includes each of the display, hyperlink, and controller of claim 19. Therefore, even if Nelson and Rainis can be properly combined, the hypothetical combination of Nelson and Rainis does not teach or suggest all elements of claim 19, which is a requirement of a *prima facie* case of obviousness.

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With respect to claim 8, the Office Action has failed to establish a *prima facie* case of obviousness, since there is no motivation or suggestion to combine the teachings of Nelson and Donovan. As conceded by the Office Action, Nelson fails to disclose a uniform resource locator that contains a telephone number. However, reliance was made on the teachings of Donovan, specifically to Donovan at column 3, lines 45-60. The cited column 3 passage of Donovan refers to URLs used in SIP (Session Initiation Protocol) messages, such as the SIP Invite message. SIP messaging is used by clients to establish call sessions over an IP network.

The device in Nelson that displays hyperlinks selectable by a user is the computer (24 or 28) on which the web browser resides. However, there is absolutely no suggestion anywhere of any desirability of employing SIP URLs in the computer 24 or 28 of Nelson. In fact, as specifically taught by Nelson, the computer running the web browser provides HTTP messages corresponding to user selection of buttons of a functional interface to the IP phone 22a. The web browser of Nelson is not capable of establishing call sessions over a data network—that capability specifically rests with the call manager 26. Providing SIP URLs in HTTP messages exchanged between the web browser and IP phone 22a of Nelson would be meaningless and would likely render the web browser and IP phone 22a inoperative for their intended purpose. SIP URLs are used only in SIP messages, and SIP messages are used for directly establishing call sessions over a data network. SIP messages cannot carry key stroke information relating to activation of keys on the web browser as described in Nelson. Therefore, in view of the foregoing, there can be no motivation or suggestion to modify the teachings of Nelson to incorporate the SIP URLs described in Donovan.

Moreover, there simply did not exist any desirability to modify the web browser and web server of IP phone 22a in Nelson to support SIP. Nelson describes a call manager 26 for connecting calls. Thus, the capability to connect calls in the IP phone 22a and web browser is clearly not desirable or needed. Therefore, for this further reason, there existed no motivation or suggestion to combine the teachings of Nelson and Donovan. A *prima facie* case of obviousness with respect to claim 8 has thus not been established.

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Independent claim 14 was rejected as being obvious over Nelson and Gross. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 14 for the reason that there existed no motivation or suggestion to combine Nelson and Gross in the manner proposed by the Office Action. There is absolutely no need or desirability to modify the web browser of Nelson to support generation of SIP messages, as the web browser is intended to only provide HTTP messages corresponding to button activations in the functional display to the IP phone 22a. In fact, the IP phone 22a itself cannot establish calls over a data network, and must rely upon the call manager 26 of Nelson. The call manager 26 of Nelson does not contain a display or a hyperlink presentable in the display. Therefore, there was no motivation or suggestion to combine the teachings of Nelson and Gross in the manner to provide a device that has the recited display, hyperlink, and controller to generate a call request including a SIP message.

Claim 35 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 35 was also rejected as being obvious over Nelson and Gross. Claim 35 is allowable over Nelson and Gross for reasons similar to those of claim 14.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the defective application of Nelson and Gross to base claim 14, it is respectfully submitted that the obviousness rejection of claims 15-17 (which depend from claim 14 directly or indirectly) over Nelson, Gross, and Burg is also defective.

With respect to claim 23, which depends from claim 22, it is respectfully submitted that the obviousness rejection of claim 23 over Nelson and Donovan is defective in view of the fact that the rejection of claim 22 over Nelson is defective. Moreover, as discussed above, there simply was no motivation or suggestion to combine the teachings of Donovan and Nelson to achieve the claimed subject matter.

The obviousness rejection of dependent claim 32 (which depends from claim 30) is defective in view of the defective rejection of base claim 30 over Nelson.

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In view of the foregoing, allowance of all claims is requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0067US).

Respectfully submitted,

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